

## The Morenci Leader

Items of Local Interest by Special Correspondent.

D. Cole, of El Paso, was in Morenci this week on a business trip.

Bud Shanly has gone to the coast to enjoy a several weeks vacation visit.

J. H. Miller has gone to Chicago where he will join his family visiting relatives.

G. E. Hunt left on Friday morning on a business visit at Tyrone and Hurley.

Miss Ellinwood, of the Clifton A. C. Hospital, spent Sunday the guest of Morenci friends.

Miss Grace Towle left on Monday for Los Angeles where she will make an extended visit with relatives.

A. Crowfoot went to the coast the first of this week to enjoy a visit with his family.

H. J. Terrell joined the Arizona National Guard this week and left on Wednesday morning for Naco.

John Kiddie left for Los Angeles Monday morning to spend a vacation visit with his family.

Walter Douglas, of the Phelps Dodge Corporation, arrived in Morenci the first of this week on business for the local branch.

Mrs. Dr. Blatherwick and son left on Sunday morning for Long Beach, Calif., where they will make an extended visit.

W. H. Brophy, of the Phelps Dodge Mercantile Company, of Bisbee, spent Monday here in connection with the local store.

Mrs. Edgar Butts and daughter left on Wednesday for Cisco, Texas, where they will visit with his parents during the next month.

Mrs. R. W. Prouty and daughter left on Wednesday morning for Los Angeles where she will make an extended visit with relatives.

George Fraser made a hurried return from his fishing trip last week and has been seriously ill at the D. C. hospital.

C. B. Nonnamaker, manager of the Longfellow store left on Monday for Los Angeles to make an extended visit with his family.

Mr. and Mrs. F. A. Sanders, of Clifton, were the guests of Mr. and Mrs. F. C. Schirmerka on last Sunday.

F. C. Comes, of the P. D. Corporation general office, left his position Wednesday and returned to his home in New York.

W. H. Kantner and E. G. Butts left on Wednesday for the Farrell ranch on Bonita where they will do surveying work during the next several weeks.

John Carpenter, one of the company guards at the Arizona Central mine, accidentally shot himself through the calf of the leg while handling a revolver on last Sunday. The bullet made only a flesh wound and he is getting along nicely.

H. A. Horner, of the P. D. Corporation assay office, has accepted a position with the American Smelting & Refining Co., at Omaha and will leave for that place on Sunday.

Weller's orchestra will play for a big dance to be given at the Princess Theatre in Clifton on Saturday evening. A number of the young men in camp are arranging to attend the affair.

The Empire Theatre has been closed owing to small attendance and unsettled conditions. The Morenci Club picture theatre will be open as usual and offers an excellent program every night next week. On Monday evening Enid Bennett will appear in "Princess of the Dark" and on Tuesday Ed Breese will be shown in "Spell of the Yukon." Marie Dressler will star in "Tillie Wakes Up" on Wednesday evening and Mabel Taliaferro in "Dawn of Love" on Thursday evening. Vivian Marsh in "Overnight" is an unusual attraction on Friday evening and on Saturday Dorothy Gish will be shown in "Stage Struck." The children's matinee on Saturday afternoon has been discontinued indefinitely.

### NEW MEXICO COAL MINES SOLD FOR \$3,000,000

Gallup Fields Acquired for Ray and Chino Companies and American Smelting Concern.

NEW YORK, July 2.—The extensive coal fields of the Victor American Fuel company, located in the Gallup district of New Mexico, have been sold to Hayden, Stone & Co., for a consideration of \$3,000,000, according to an announcement made here today by the purchasing company.

The New Mexico property was purchased, representative of Hayden Stone & Co., said, for the account of the Ray Consolidated Copper company, the Chino Copper company and the American Smelting & Refining company. A new company has been formed to operate these properties under the name of the Gallup American Coal company and it will be owned by the above mentioned corporation.

It is the announced intention of the management to make an extensive increase in production as the two copper companies and the southwestern division of the smelting company obtain all their coal supply from these properties.

## DECISION RENDERED IN EMPLOYEE'S LIABILITY ACT

Supreme Court Makes Most Important Ruling Upon Two Cases Which Sustain Constitutionality of Measure.

Upholding the constitutionality of the employers' liability law, two verdicts for damages awarded against two Arizona mining corporations for injuries received by employees, yesterday were affirmed by the supreme court. The mining companies are the Inspiration Consolidated Copper company of Gila county and the Superior and Pittsburg Copper company of Co-chise county.

In the latter case, Frank Tomich, a few hours after he first had commenced his labors for the mining company, was injured and commenced action against the company, basing it on the employers' liability law. He was awarded \$8,000. The company demurred to the action on the ground that obedience to the liability law violated the Fourteenth Amendment by depriving the defendant of its property without due process of law in imposing unlimited liability on it as an employer for personal injuries sustained

by an employee while in its employ in cases where defendant has been guilty of no fault, want of care or neglect of duty and because the statute attempts to give plaintiff the right to recover judgment for personal injuries for which said judgment is sought were contributed to by plaintiff's negligence.

Justice Cunningham in his opinion affirming the judgment of the lower court says in part as follows:

"Appellant contends that Chapter VI of Title 14 is void for the reason its terms conflict with Section 5 and 7 of Article XVIII of the state constitution.

Section V is that:

"The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact and shall, at all times, be left to the jury.

"This section does not restrict the power of the legislature to modify or abolish the defense of contributory negligence. The restriction contained in the section is clear that no law shall be enacted which attempts to make the defense of contributory negligence or assumption of risk, when interposed, determinable by the courts as matters of law, but, such defense are made to depend upon facts when they are properly interposable and interposed they are required to be established by a preponderance of the evidence to the satisfaction of the jury. Whether the plaintiff's negligence contributed to the wrong, or whether the plaintiff assumed the risk and danger from which the wrong arose, must be determined as a fact from the evidence

by the jury.

"Section 7 commands the legislature to enact an employers' liability law, by the terms of which any employer shall be liable for the death or injury of workmen employed in all hazardous occupations named, and any other industry designated by the legislature, whenever such death or injury is caused by any accident due to a condition or conditions of such occupation, except when such death or injury has been caused by the negligence of the employee killed or injured."

The opinion recites a single restriction placed upon the legislature in carrying out this constitutional mandate. That restriction is found in the foregoing words, "except when such, etc." A careful examination, said the court of the act, discloses no violation of that limitation on the power of the legislature.

Concerning the allegation of contributory negligence set forth in the defendant's answer, the court says: "The defendant having in its answer admitted that its negligence in part was the cause of the damage by setting forth a charge of contributory negligence against the plaintiff authorized a verdict against the defendant in any event. The matters left open for inquiry were the amount of the damage the plaintiff was entitled to recover as measured by the allegations of the complaint and the evidence, and whether the accident was due to a condition or conditions of employment and such as is unavoidable."

Replying to allegations of irregularity in the trial court, the opinion proceeds: "While the record discloses many departures from the ideal trial of a lawsuit, these departures were consented to, acquiesced in, submitted to or indulged by appellant

without objection, and do not appear affirmatively upon the record to have worked a prejudice to appellant's rights. The verdict returned is large in amount, but that matter lay with the jury. No question is made that the verdict is not sustained by substantial evidence."

Much of the same ground was gone over in the case of the Inspiration company but in that case contributory negligence on the part of the appellee was alleged that damage he suffered, an injury to his eyes, was the result of his failing to have proper treatment in time. The judgment of the lower court in this case was also affirmed. This opinion too, was written by Justice Cunningham and was concurred in by Justice Franklin. Justice Ross dissented and announced that he would later file his opinion.

**MEN SUBJECT TO DRAFT ASKED TO BE READY**

WASHINGTON, July 9.—Registrants subject to draft for the new national army were notified to hold themselves in readiness to appear before boards which will conduct examinations and consider exemption claims. Detailed instructions regarding the course to be pursued are contained in a circular sent broadcast by direction of Provost Marshal General Crowder.

Details of the means to be employed in making selections were withheld.

A broken axle on an extra west-bound freight derailed thirteen cars on the Southern Pacific, two miles west of Buell station, shortly after 4 o'clock Tuesday afternoon. One brakeman was injured by being thrown from the top of a car and suffered a broken dislocated jaw. He was taken to St. Mary's hospital.

## Have Bowman's Auto Truck Do Your Delivering

Morenci Phelps Dodge Mercantile Co. Arizona

# Shoe Department

## WOMEN'S SHOES OF FASHION

Just received from Rochester, New York,—the Style Center for Women's Shoes. UTZ & DUNN SHOES have a well known reputation for unsurpassed fitting and wearing qualities. As for style we leave this point to your own judgment when you take a look at the new lines just received from the Factory.

## Shoe Department

Morenci,

Phelps Dodge Mercantile Co.

Arizona



### LESS WORK

No coal, wood or ashes to lug. No waiting for the fire to burn up. Meals in a jiffy and a cool kitchen all the time. Bakes, broils, roasts, toasts. Better cooking because of the steady, evenly-distributed heat. More convenient than a wood or coal stove for all the year 'round cooking, and more economical. The long blue chimneys prevent all smoke and smell. In 1, 2, 3 and 4 burner sizes, with or without ovens. Also cabinet models. Ask your dealer today.

### NEW PERFECTION OIL COOK-STOVE

FOR SALE BY

Arizona Copper Co., Store Dept.; Garcia & Norte; Arizona Copper Co., Store Dept., Metcalf; B. F. Billingsley, Duncan; Phelps Dodge Mercantile Co., Morenci; Arizona Copper Co., Store Dept. Morenci.